

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LISA SOSA, on behalf of,  
CARL DAVID MILLER-REYNA

Plaintiff,

v.

CASE NO. 05-72539  
HON. LAWRENCE P. ZATKOFF  
MAGISTRATE JUDGE DONALD A. SCHEER

JO ANNE B. BARNHART  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**OPINION AND ORDER**

Plaintiff filed the instant case seeking Social Security disability insurance benefits. This matter is currently before the Court on Magistrate Judge Scheer's Report and Recommendation of April 26, 2006, in which the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment be GRANTED IN PART and Defendant's Motion for Summary Judgment be DENIED. Neither party has responded to the Report and Recommendation.

After a thorough review of the transcript, the respective parties' motions, and the Report and Recommendation, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court.

Accordingly, Plaintiff's Motion for Summary Judgment is GRANTED IN PART and Defendant's Motion for Summary Judgment is DENIED.

The case is REMANDED to the Commissioner for further proceedings consistent with the Court's Opinion and Order and Magistrate Judge Scheer's Report and Recommendation.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: May 25, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 25, 2006.

s/Marie E. Verlinde

Case Manager  
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